IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7834 of 2007()

CRIME NO.425/2007 OF NOORANAD POLICE STATION

: PETITIONERS/ACCUSED 1 TO 4 IN CRIME NO.425/2007

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1. TONY VASANTH, AGED 30 YEARS,
S/O.VASANTHAKUMAR, VALYAVEETTIL KLAPPANA SOUTH,
KLAPPANA VILLAGE, KARUNAGAPPALLY TALUK.

2. VASANTHAKUMAR, AGED 68 YEARS,
VALYAVEETTIL, KLAPPANA SOUTH,
KLAPPANA VILLAGE,
KARUNAGAPPALLY TALUK.

3. SALIN VASANTH, AGED 65 YEARS,
W/O.VASANTHAKUMAR, VALYAVEETTIL,
KLAPPANA SOUTH, KLAPPANA VILLAGE,
KARUNAGAPPALLY TALUK.

4. HANY VASANTH, AGED 31 YEARS,
S/O.VASANTHAKUMAR, VALYAVEETTIL,
KLAPPANA SOUTH, KLAPPANA VILLAGE,
KARUNAGAPPALLY TALUK.

BY ADV. SRI.AJITH MURALI

RESPONDENTS: RESPONDENT/COMPLAINANT IN CRIME NO.425/2007

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7834 of 2007

Dated this the 19th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband of the de facto complainant and his relatives. They face allegations under Section 498A I.P.C. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred to the police under Section 156(3) Cr.P.C. Marriage took place only on 30/08/2007. The parties are before the police station and the courts by now.

2. According to the learned counsel for the petitioner, there is strain in the matrimony and such strain is prompting the de facto complainant to make fanciful allegations against the petitioners.

3. The learned Public Prosecutor submits that investigation has commenced. Accused 2,3 and 4 have now been dropped from the array of parties. They are not required to be arrested at all. The learned Public Prosecutor does not oppose the application in so far as the first petitioner is concerned.

4. I reckon that as an informed and reasonable stand taken by the learned Public Prosecutor. I am satisfied, in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioners is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no external injuries also. Appropriate conditions can of course be imposed.

5. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

6. In the result, this petition is allowed in part. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner No.1. The petition is dismissed in so far as petitioners 2, 3 and 4 are concerned.

i) Petitioner No.1 shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 26/12/2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two

solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The first petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 27/12/2007 and 28/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 26/12/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 26/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007